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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/525,085	02/22/2005	Hitoshi Furuta	054-05	5012	
27569 PAUL AND PA	7590 · 01/29/2007		EXAMINER		
2000 MARKET			CANO, MILTON I		
SUITE 2900 PHILADELPH	IA, PA 19103		ART UNIT	PAPER NUMBER	
			1761		
			MAIL DATE	DELIVERY MODE	
,			01/29/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Advisory Action Refere the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/525,085	FURUTA ET AL.	
Examiner	Art Unit	
Milton I. Cano	1761	

Before the Filing of an Appeal Brief	Examiner	Art Unit				
	Milton I. Cano	1761				
The MAILING DATE of this communication appe	ars on the cover sheet with the o	orrespondence add	ress			
THE REPLY FILED 1/13/06 FAILS TO PLACE THIS APPLICAT		-				
1.      The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance time periods:	the same day as filing a Notice of wing replies: (1) an amendment, aff tice of Appeal (with appeal fee) in one ce with 37 CFR 1.114. The reply mi	Appeal. To avoid aba idavit, or other evider compliance with 37 Cl	nce, which FR 41.31; or (3)			
a) $\square$ The period for reply expires $3$ months from the mailing date						
no event, however, will the statutory period for reply expire la	b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.					
Examiner Note: If box 1 is checked, check either box (a) or ( TWO MONTHS OF THE FINAL REJECTION. See MPEP 76	06.07(f).					
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of extunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	tension and the corresponding amount shortened statutory period for reply orig than three months after the mailing da	of the fee. The appropri	ate extension fee ce action; or (2) as			
<ol> <li>The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exter a Notice of Appeal has been filed, any reply must be filed</li> </ol>	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of th	is of the date of e appeal. Since			
<u>AMENDMENTS</u>						
3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below);						
(b) They raise the issue of new matter (see NOTE below						
(c) They are not deemed to place the application in bet appeal; and/or			he issues for			
(d) They present additional claims without canceling a	corresponding number of finally rej	ected claims.				
NOTE: (See 37 CFR 1.116 and 41.33(a)).	04.00==================================		(DTO) 004)			
<ul> <li>4.  The amendments are not in compliance with 37 CFR 1.12</li> <li>5.  Applicant's reply has overcome the following rejection(s):</li> </ul>		mpliant Amendment (	PTOL-324).			
<ul> <li>5. Applicant's reply has overcome the following rejection(s):</li> <li>6. Newly proposed or amended claim(s) would be all</li> </ul>		tionaly filed amondura	mt namaalina tha			
non-allowable claim(s).	iowabie ii submitted in a separate,	umely liled amendine	nt canceling the			
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is provided the new or amended claims.	☐ will not be entered, or b) ☒ wil vided below or appended.	l be entered and an e	xplanation of			
The status of the claim(s) is (or will be) as follows: Claim(s) allowed: none.						
Claim(s) allowed: <u>none.</u> Claim(s) objected to: <u>none.</u>						
Claim(s) rejected: 1 and 3.						
Claim(s) withdrawn from consideration: none.						
AFFIDAVIT OR OTHER EVIDENCE						
<ol> <li>The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e).</li> </ol>	t before or on the date of filing a No d sufficient reasons why the affidav	otice of Appeal will <u>no</u> it or other evidence is	t be entered necessary and			
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to o showing a good and sufficient reasons why it is necessary	vercome all rejections under appea	al and/or appellant fail	ls to provide a			
10. The affidavit or other evidence is entered. An explanation						
REQUEST FOR RECONSIDERATION/OTHER						
<ol> <li>The request for reconsideration has been considered but <u>See Continuation Sheet.</u></li> </ol>		condition for allowan	ce because:			
12. Note the attached Information Disclosure Statement(s). (	PTO/SB/08) Paper No(s)	_				
13. Other:		Alf AS	<i>)</i>			
	/	Milton I. Cano				
		SPE				
		Art Unit: 1761				

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that it would not have been obvious to modify Spaeti with the teachings of Nishinomiya. In response to applicant's argument, notice that the claims calls for an instant food powder containing the thickener/legume mixture. The legume being soybean. Nishinomiya teaches that pulverized soy is a common seasoning for instant food such potage soup, which is what Spaeti teaches. Therefore, one skilled in the art would have found in Nishinomiya a powdery substance to provided a seasoning to the potage soup of Spaeti in order to make an instant potage soup upon the addition of hot water.